



## REMARKS/ARGUMENT

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Applicant responds herein to the Office Action dated June 21, 2001.

Relative to the rejection of various claims under 35 U.S.C. §112, second paragraph, the term "hindered" is used in its ordinary English sense and is believed to be clear. Similarly, relative to the terminology "is not engaged with said frame member", it is respectfully submitted that the language is used in its ordinary meaning and that it is clear and, accordingly, the Examiner is respectfully requested to reconsider and rescind the §112 objections.

Substantively, claims 5, 6, 23, 25 and 26 stand rejected on grounds of obviousness over Ogiyu (JP 62-40413) in view of Ueda (JP 59-129050). Claims 2-4 and 24 stand rejected on grounds of obviousness over the aforementioned Ogiyu and Ueda documents, further in view of the Examiner's official notice. Claims 7-9, 13 and 15 stand rejected on grounds of obviousness over the aforementioned Ogiyu and Ueda references, further in view of Akiba et al (5,894,369). Finally, Claim 14 stands rejected on grounds of obviousness over Ogiyu and Ueda and Akiba, further in view of the Examiner's official notice, all as explained at pages 3-5 of the present Office Action. Reconsideration is requested in view of the following remarks.

The invention of claim 1 is directed to an endoscope capable of being autoclaved which includes, among other elements, "an insertion unit"; an internal endoscope space; and is such that:

"...even when high-pressure high-temperature steam permeates through said soft member of said insertion unit which is made of a polymeric material, and invades into said internal endoscope space formed at the first sealing level, the high-pressure high-temperature steam will be hindered from invading into the hermetically sealed unit included in said contents and formed at the second sealing level."

It is respectfully submitted that the combination of elements characterizing the claimed endoscope are not disclosed by the cited prior art.

The Office Action concedes that the primary Ogiyu reference fails to recognize the advantages ensuing from providing a special hermetically sealed unit which is capable of providing sealing against autoclaving. Accordingly, the Examiner has turned to the secondary Ueda reference. However, the secondary reference is still deficient in the sense that it fails to disclose the limitation of claim 1 referenced above, namely that:



"...even when high-pressure high-temperature steam permeates through said soft member of said insertion unit which is made of a polymeric material, and invades into said internal endoscope space formed at the first sealing level, the high-pressure high-temperature steam will be hindered from invading into the hermetically sealed unit included in said contents and formed at the second sealing level."

Accordingly, it is believed and respectfully submitted that the references, whether they are taken singly or in combination, fail to disclose the invention of claim 1 and therefore, by extension, the inventions of any of the other claims pending in the present application are patentable over the cited prior art.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on December 21, 2001

Max Moskowitz

Name of applicant, assignee or  
Registered Representative

Signature

December 21, 2001

Date of Signature

MM:cg

Respectfully submitted,

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